



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.17739 & 17690 of 2021

1 B.SIVARANI
2 K.LOGESHWARI

[PETITIONERS / ACCUSED
IN CRL.O.P.No.17739/2021]

1 A.SIVAGAMI
2 S.GOVINDHAMMAL

[PETITIONERS / ACCUSED
IN CRL.O.P.No.17690/2021]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CCB SALEM CITY,
SALEM,
SALEM DISTRICT
CRIME NO.4/2021

[RESPONDENT IN BOTH THE PETITIONS]

For Petitioner : M/S.P.WILSON, Senior Advocate, for
M/S.WILSON ASSOCIATES Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-



The petitioners/A1 & A5 in CrI.O.P.No.17739 of 2021 & the petitioners/A3 & A4 in CrI.O.P.No.17690 of 2021, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 468, 471, 477A & 506(ii) of I.P.C in Cr.No.4 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the De-facto Complainant claims that she is a managing trustee of Salem Sugam Trust Hospital, salem and she is also claiming her interest over the Salem Sugam Trust Hospital. A1 & A5 are the employees of Dhan Foundation and Sugam Trust hospital whereas A3 & A4 are the office bearers of the Salem Sugam Trust Hospital. It is the further case of the prosecution that the accused colluded with one another and diverted a sum of Rs.77 lakhs, due to which the De-facto Complainant filed a complaint against the petitioner leading to the registration of the case.

3. The learned counsel for the petitioner submitted that the allegation is that A1 & A5 are the employees of the Dhan Foundation and Sugsam Trust Hospital whereas A3 & A4 are the office bearers of the Salem Sugam Trust Hospital and they colluded with one another and diverted a sum of Rs.77 lakhs. It is further submitted that the De-facto Complainant is no way connected with Sugam Trust Hospital and Salem and she falsely claims to be the managing trustee. In this regard the Defacto Complainant had already lodged a complaint before the Salem CCB & Madurai CCB and both the investigating agencies refused to take the complaint on file questioning the locus standi. Thereafter the De-facto Complainant filed a complaint u/s 156(3) of Cr.P.C on the file of the learned Judicial Magistrate-I, Madurai and the same was dismissed. Again the De-facto Complainant filed Revision Petition before the Madurai Bench in CrI.R.C (MD) No.33 of 2020 which was allowed by order dated 03.09.2021 resulting in the registration of the FIR in Crime No.54 of 2020 by CCB, Madurai, against which SLP was filed, which was also dismissed and the case was transferred to Salem city Police and re-registered as Crime No.4 of 2021. Hence the present petition is filed.

4. It is the submission of the learned Counsel for the petitioner that as the petitioner failed in all the forums, the present false complaint has been filed. It is further submitted that the issue is purely civil in nature and it has been given a Criminal colour and if at all the petitioner is having any grievance, he should avail appropriate remedy in accordance with law before the Civil Court. Accordingly prays for grant of anticipatory bail.

5. It is further submitted that enlarging the petitioner on anticipatory bail would be detrimental to the investigation and accordingly objected to grant bail.



(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB SALEM CITY,
SALEM, SALEM DISTRICT.

+2 CC to M/S.WILSON ASSOCIATES Advocate on payment of necessary charges SR.NO. 11184 & 11185

CRL OP Nos.17739 & 17690 of 2021

Date :06/10/2021

RW 01/11/2021